

Application No. 09/425,118  
Attorney Docket No. 12571US01

**REMARKS**

The present application includes claims 2-18, 20-25, and 40-42. Claims 2-18, 20-25, and 40-42 were rejected. By this Amendment, claims 2 and 11 have been amended.

Claims 2-9 and 11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 and 11 have been clarified by being amended to recite transmitting at least one of said signals rather than transmitting at least some of said signals.

Claims 2, 7-11, 16-18, 41, and 42 were rejected under 35 U.S.C. §102(c) as being anticipated by El-Rafie, U.S. Patent No. 6,968,394. El-Rafie teaches an asymmetric satellite-based internet service. As shown in Figure 1 and described beginning at Col. 3, Line 56, the asymmetric access system 1 includes a Network Operation Center (NOC) 4 the uplinks signals to a satellite 18. The satellite 18 then transmits the signals to a satellite receiver 23 grouped as part of a terminal device 2.

The terminal device 2 includes a storage device 20, but El-Rafie teaches that the storage device stores the code for running applications, not incoming data. El-Rafie apparently only discusses the storage device in the first paragraph of the Detailed Description beginning at Col. 3, Line 59. Further, the mention in the first paragraph does not teach storage of incoming data at the storage device. On the contrary, as recited

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beginning at Col. 3, Line 61, "A driver 22 may interface the storage device 20 with one or more applications 7."

Further explanation of the storage device 20 can be understood from claims 20-22 of El-Rafie, as reproduced below.

20. An asymmetric satellite based terminal device comprising: a modem in communication with an Internet Host via a terrestrial link; a satellite card in communication with an Internet Host via a satellite link; a storage device having computer-readable instructions stored thereon for performing steps comprising: creating a data packet having as its IP source address an address assigned to a centralized uplink center of a satellite service, the IP source address not being encapsulated within another source IP address; and sending the data packet from the modem to the Internet Host via the terrestrial link in its unencapsulated form.

21. The asymmetric satellite based terminal device of claim 20, wherein the storage device further includes instructions for performing the step of receiving data at the satellite card from the Internet Host via the satellite link in response to the data packet being sent from the modem.

22. The asymmetric satellite based terminal device of claim 21, wherein the Internet Host is connected to the modem via a first hop on the terrestrial link, and the storage device further includes instructions for performing the step of receiving data at the modem from the Internet Host via the terrestrial link in response to the data packet being sent from the modem.

As can be seen from the claims, the storage device includes computer-readable instructions for performing various process steps. El-Rafie does not teach that the storage device stores incoming data packets for later retransmission.

Independent claims 10, 41, and 42 all include the limitation that signals received at the satellite receiver are stored at the receiver for later transmission, which is not taught by El-Rafie as discussed above. Consequently, claims 10, 41, and 42 are respectfully submitted to be allowable.

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Additionally, El-Rafie does not teach the use of an Ethernet transceiver at the satellite receiver. A text search of El-Rafie reveals that "Ethernet" only appears in the specification 3 times - all of which occur in Col. 9 and at Lines 27, 38, and 51. All of the teachings of El-Rafie with regard to Ethernet are with the embodiment of Figure 7, and specifically with regard to the switch matrix 60A, 60B located in the NOC, as is most clearly shown in Figure 7A. The NOC is at the head-end of the satellite system, that is, at the transmitter and not the receiver. El-Rafie does not include any teaching with regard to the use of Ethernet at the receiver.

Independent claims 2 and 11 both include the limitation of an Ethernet transceiver at the satellite receiver, which is not taught by El-Rafie as discussed above. Consequently, claims 2 and 11 and their respective dependent claims 3-9 and 12-18 are respectfully submitted to be allowable.

The Applicant turns now to the rejection of claims 3-6, 8, 12-15, 20-25, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over El-Rafie. Claims 3-6, 8, 12-15, 20-25, and 40 include independent claims 20, 22, 23, 24, 25, and 40.

Independent claims 20, 22, 23, 24, 25 include a limitation similar to independent claims 2 and 11 discussed above; specifically, that an Ethernet transceiver operates in the satellite receiver, which is not taught by El-Rafie as discussed above. Consequently, claims 20, 22, 23, 24, 25, and the dependent claim 21, are respectfully submitted to be allowable.

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Similarly, independent claim 40 includes a limitation similar to independent claims 10, 41, and 42 discussed above; specifically that signals received at the satellite receiver are stored at the receiver for later transmission, which is not taught by El-Rafie as discussed above. Consequently, claim 40 is respectfully submitted to be allowable.

Dependent claims 3-6, 8, and 12-15 depend from claims 2 and 11 which were respectfully submitted to be allowable above. Consequently, claims 3-6, 8, and 12-15 are also respectfully submitted to be allowable.

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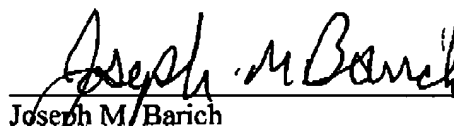
**CONCLUSION**

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017. Additionally, please charge any fees for any additional claims or for any extension of time to the Deposit Account.

Respectfully submitted,

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